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## Letter dated 6 November 2000 from the Permanent Representative of Mali to the United Nations addressed to the President of the General Assembly

I have the honour to transmit herewith the Rocard-Konaré report on the role of a small arms control regime in stemming small arms and light weapons proliferation (see annex),* presented on behalf of the Eminent Persons Group, and request that the present letter and its annex be circulated as a document of the General Assembly, under agenda item 73 (w).

*(Signed)* Moctar **Ouane**
Ambassador
Permanent Representative

* The annex is being circulated in the language of submission only.

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Annex to the letter dated 6 November 2000 from the Permanent Representative of Mali to the United Nations addressed to the President of the General Assembly

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Washington convocation
May 2nd-4th, 2000
Host:
School of Intl. Service
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# Consultative Document

## The Role of a Small Arms Control Regime in Stemming Small Arms and Light Weapons Proliferation (Rocard-Konare Report)

**PRESENTED TO THE 55TH UN GENERAL ASSEMBLY**
**(THE "MILLENNIUM ASSEMBLY")**
**UNDER AGENDA ITEM 74 (w): SMALL ARMS (54/54/R)**

**BY**

**THE DELEGATION OF THE REPUBLIC OF MALI**

**ON BEHALF OF**

**THE EMINENT PERSONS GROUP,**

**H.E. Mr. Alpha Oumar Konare, President of the Republic of Mali, and H.E. Mr. Michel Rocard, former Prime Minister of France, co-chairs**

**Introduction**

Ten years ago the cold war ended. It did not bring about an anticipated "peace dividend." To the contrary, with more than six million people killed during the past "decade of peace," more people are at risk today from violence than ever before. None of these people were killed by what has been termed "weapons of mass destruction." Most were killed by small arms and light weapons.

Society is becoming militarized and de-humanized. With societal values in transition, there has been a complete elimination of the well-recognized distinction between combatants on the one hand and non-combatants on the other, in regard to the question as to whom it is permissible to attack. Indeed decimation of the opponent's civilian population has become an essential strategy of modern warfare.
As Salim Ahmed Salim, the Secretary-General of the OAU and a most distinguished and active member of the Eminent Persons Group has stated: "The excessive and uncontrolled accumulation and circulation of small arms and light weapons has become a threat to peace processes and human security alike. This phenomenon knows no borders and affects the developed as well as developing communities."

A "culture of violence," which is part of a global "security malaise," is a major problem in the effort to stem the humanitarian toll of small arms proliferation. This is the core of the problem. Another obstacle confronting efforts to curtail the proliferation of small arms is worldwide excess production. Therefore, cooperation between supplier and recipient states is called for.

With public sentiment beginning to be aroused by the carnage of small arms violence the world over, the adverse developments of the decade past can be reversed. The tide has begun to turn. For side by side with recent conflicts, there has been a remarkable emergence of conflict reduction programmes. The concept of "conflict prevention" has emerged and taken root. Moreover, the concept of "preventive deployment of peacekeepers" has merged and has been successfully practiced. Perhaps, at last, multilateralism is no longer merely a conceptual framework for the mosaic of international politics but has, instead, become a distinct multi-dimensional area of joint action. With respect to collective security it suggetss that a new internationalism is burgeoning in the conscienceness of the world community, which presupposes reliance on consensus, joint endeavors to maintain collective security by curtailing the proliferation of smallarms and other weapons of mass destruction, and the primacy of international law. Although the quest for a global resolution to small arms proliferation must not stand in the way of regional agreements, where atainable, the overall interdependence between nonproliferation and disarmament mandates a global approach.

In presenting the Millenium Report, which will be deliberated upon at the Millennium Summit of the 55th UN General Assembly, UN Secretary-General Kofi Annan has devoted considerable effort on curtailing the proliferation of small arms and the elimination of nuclear weapons. As Mr. Annan makes clear, both topics are directly linked, as far-reaching nuclear disarmament will probably not be feasible unless the level of armed violence in general is significantly lowered.

A global reduction in small arms violence, as the Millenium Report states, requires "to bring the weapons of violence back into the control of the state, with the state being made accountable for their transfer." This essentially means, as the UN Secretary-General and Michel Rocard, the EPG co-chair, discussed during our meeting of February 29, empowering the state at one level, and using all tools available to induce more responsible behavior on its part, at another. The two approaches must be mutually compatible.

The UN Secretary-General is right in stating that small arms proliferation poses "one of the key challenges in preventing conflict in the new century." In calling for a global small arms nonproliferation regime Mr. Annan has set a realistic goal for the 2001 UN Conference on Small Arms Traffcking In All Its Aspects. His bold proposal and overall visionary leadership is beginning to mobilize increasing pressures for small arms action. It is promoting the formation of an expanding coalition of member States in support of an evolving programme of porposals for small arms control. In preparation of the 2001 UN conference it is important that the momentum towards an action-oriented small arms control agenda within a set implementation timetable be harnessed.

It is with that objective in mind that, a little over a year ago, I gave in to growing demands of political friends from around the world to lend a helping hand to the UN Secretary-General's tireless efforts on small arms control. Borrowing from the historic experience of the Commonwealth Eminent Persons Group I convened EPG as an independent international commission outside the UN framework. Twenty world leaders, including the Presidents of Georgia and Mali, the Secretary-General of the OAU, the former Prime Ministers of France and India, and foreign and defense ministers of Brazil, Cameroon, Russia, the United Kingdom and the United States, have joined together with leading arms control experts to make a specific contribution to the emerging global effort.

Under the strong leadership of Michel Rocard, the esteemed former Prime Minister of France, and Alpha Oumar Konare, the distinguished President of Mali, the Eminent Persons Group has set out to build a global coalition of member States and NGOs in favor of a realistic, affordable and effective set of proposals to help reduce the spread of illicit small arms. With the majority of illicit small arms proven to originate in the licit trade, EPG advances a "cooperative regulatory approach" to small arms control.

Acknowledging that "the Millennium Report of UN Secretary-General Kofi Annan, provides an appropriate and realistic point for such an approach," the Report of the First Continental Meeting of African Experts on Small Arms and Light Weapons, which was held by the OAU in Addis Ababa, Ethiopia, May 17-19, states: "It was suggested that any international agenda should be at the level of norm setting and through cooperation at the national, sub-regional, regional and international levels. Norm seting could, inter alia, include, "Standardization of legal arms transfer codes by, amongst others, generating criteria for global and regional registries for transparency on arms deals."

It is the considered opinion of members of the Eminent Persons Group that, given monetary and time constrictions, regulating the legitimate transfer of small arms will, in the nearf term, significantly reduce the supply of illicit diversion. As I said in my speech before the OAU Continental Experts Meeting, which is helping lay the ground for a common African approach to be deliberated upon at the OAU Ministerial in Bamako in October: "Most of the regulatory actions will affect supplier states, of which the most prominent are the permanent members of the UN Security Council. The increased security, safety, and stability, however, reaped from regulated supply will be most prominent in the developing countries."

At the Washington convocation, May 2-4, the members of the Eminent Persons Group welcomed and strongly supported the UN Secretary-General's call for a global small arms nonproliferation regime. EPG considers its efforts complimentary to and supportive of Mr. Annan's strong leadership on small arms. I am pleased that both, the UN and OAU Secretaries-General, support the Group's intention to foster early agreement among member States on elements of an agenda for the 2001 UN conference. We share the belief that EPG can play an important role in this field. As Mr. Salim told the Washington convocation: "The creation of the Eminent Persons Group, composed of personalities with a diverse range of experience at high levels of leadership and responsibilties, and who come from different parts of the world, presents a tremendous opportunity for collectively and vigorously pursuing the goal of controlling small arms."

The Washington Communique calls for small arms control to limit supply and reduce demand. On the supply side such an approach necessitates measures aimed at effectively regulating legal transfers between states based on a principle of responsible restraint, controlling the availability, use and storage of small arms within states and preventing and combating illicit transfers.

Correspondingly, on the demand side, the international community must commit to helping reverse cultures of violence through reform of the security sector and through the promotion of norms of civilian non-possession. Also, reduction measures must be devised to secure, destroy or otherwise responsibly dispose of the obscene quantities of small arms already in circulation.

The Consultative Document was discussed at the Washington convocation and is submitted for the consideration of member States and NGOs. Comments and suggestions are invited and will be fully considered at the Group's next meeting in Bamako, Mali, December 18-19, 2000, which will be convened at

the invitation of the Government of Mali. A revised document will be published in time for the 2001 UN conference.

In conclusion, beyond conveying words of appreciation to all members of the Eminent Persons Group and the Secretariat for their exemplary service this past year, I wish, above all, to express my deep gratitude to Michel Rocard for agreeing to serve as co-chair and displaying the high level of personal involvement in the Group's decisionmaking and public diplomacy programme.

I am grateful to Dr. Louis W. Goodman, Dean of the School of International Service at American University, Washington, D. C., my alma mater, for availing us of the school's outstanding research facilities and for hosting the Washington convocation. Also, I want to acknowledge fully the input of the members of the Group's policy planning staff in preparing the consultative document: Professor Duncan L. Clarke, Jason Meyers, Sondra Tosky, and Christopher Ficek, all of the School of International Service.

The particular contributions to the consultative document by Celso L. N. Amorim (Brazil), Jonathan Dean (United States), Rolf Ekeus (Sweden), Nabil Fahmy (Egypt), David Owen (United Kingdom), Salim Salim (Tanzania) and, above all, Sola Ogunbanwo (Nigeria) deserve special mention. Moreover, I am greatly indebted to Donald Duran Davis, the Group's administrative director, for his substantive input into the policy planning staff deliberations. Also, I want to thank Kate Joseph of the British American Security Information Center (BASIC) for her considerable and always timely research assistance.

Finally, I want to direct a special world of gratitude to my mentor, Vladimir "Oblomov" Petrovsky (Russian Federation), the distinguished Secretary-General of the Conference on Disarmament, for guiding my path through the often complicated thicket of disarmament affairs.

Albrecht Gero Muth
Convenor
and Executive Director,
Eminent Persons Group
August 18, 2000

## Executive Summary

The excessive and destabilizing accumulation and transfer of small arms outside of formal regulatory controls and the resulting toll inflicted on civilian populations in countries around the world poses one of the great humanitarian challenges of our time. Excess production is a major problem in the effort to stem the proliferation of small arms, and a central element in the evolution of a Small Arms Control Regime, in accordance with the language of the Washington Communique of May 4, 2000. Given that some small arms are part of the ordering of society under the rule of law and that some can be produced, acquired and exported for legitimate defense purposes the EPG holds it inappropriate to seek a ban, such as is sought in the global campaign to ban landmines.

Small arms proliferation constitutes a serious threat to global peace and prosperity, and is part of a worldwide "security malaise" where a "culture of violence" has become pervasive. Although the availability of such arms in large numbers and outside formal security structures may not in and of itself generate conflicts, it can dramatically increase their likelihood, duration and lethality. Yet, to date the international trade in small arms remains largely unregulated.

Small arms proliferation is one element of a greater arms race, while simultaneously inducing a massive humanitarian disaster. Already, too many weapons are in circulations. Yet, production is being increased in many countries. The challenges posed by small arms proliferation require most urgent attention by a "Global Coalition" of like-minded States committed to curtailing their spread. At the same time, small arms proliferation should be faced in conjunction with other nonproliferation and arms control measures to reduce the threat of and eventually eliminate weapons of mass destruction.

Small arms proliferation is a problem for all societies, developed and developing. While the majority of weapons originate in industrialized countries, the majority of victims of these weapons are scattered throughout developing countries. Given its role in creating the problem, basic morality suggests that it is time for developed countries to join with developing countries in confronting the humanitarian challenge of small arms violence.

Building on the forward momentum of the UN Secretary-General's visionary call for a global small arms nonproliferation regime and as a sub-campaign and integral to the larger small arms campaign, the Eminent Persons Group's (EPG) overall objective is to curtail the proliferation of small arms. The need for a proportional and integrated approach to curbing small arms proliferation in all its aspects notwithstanding, the group, in accordance with the language of the Washington Communique, advances a *cooperative regulatory approach* to confront the supply side of the illicit trade by making cross-border arms sales subject to arms control, export and transparency regimes as a

means to promoting regional stability, peaceful resolution of conflict, arms control, human rights, democratization, and economic development.

The EPG's cooperative regulatory approach aims to promote a small arms control regime (SACR), broad in scope and global in reach. SACR should rest on at least two pillars: On the preventive side, such a regime should consist of (1) a Small Arms Register, (2) strengthened national controls, including import and exort regulation, and (3) an international code of conduct. On the reduction side, SACR should consist of weapons collection programs, reconstruction programs and conflict prevention strategies. Such a goal will require both politically and legally binding instruments, covering the licit as well as the illicit trade.

In submitting this consultative document, the EPG pursues the following objectives:

- to broaden understanding of the scope and magnitude of small arms proliferation as a humanitarian challenge, not purely as a regional, but as a global phenomenon and to mobilize public opinion against it;
- to broaden understanding of the scope and magnitude of small arms proliferation as an arms control challenge, not purely as a regional, but as a global phenomenon and to mobilize governmental opinion against it;
- to highlight the element of excess production as a major problem in the effort to stem the proliferation of small arms;
  to define and delimit the role of the UN in dealing with the problem imposed by the illicit trade in small arms;
- to galvanize and channel international governmental and non-governmental support towards the realization of a Small Arms Control Regime (SACR) comprised of enhanced transparency, national export controls and an international code of conduct;
- to facilitate a broad dialogue among UN member States, the Secretariat, interested NGOs and EPG on a cooperative regulatory approach to small arms proliferation; and
- to build on the forward momentum of the UN Secretary-General's visionary call for a global nonproliferation regime and to develop a cooperative regulatory approach to curbing small arms proliferation by focusing its deliberations to the supply side of illicit small arms.

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# 1 The Scourge of Small Arms: Who supplies, who dies? An Introduction by Michel Rocard and Alpha Oumar Konare

*1.1 The mounting death toll which results from the uncontrolled proliferation of inexpensive small arms poses one of the great arms control and humanitarian challenges of our time. Small arms kill most people in most wars, most of whom are civilians. Yet, as UN Secretary-General Kofi Annan states in his groundbreaking Millennium Report, "there is no global nonproliferation regime to limit their spread, as there is for chemical, biological and nuclear weapons."*

*1.2 The Eminent Persons Group, an independent international commission of twenty world leaders, has been convened by Albrecht Gero Muth in order to support the Secretary-General's call for a global smalll arms nonproliferation regime. We deeply appreciate Mr. Muth's arms control expertise in guiding the Group's substantive work with considerable devotion and against considerable political odds. He rests assured of our continued cooperation.*

*1.3 The Eminent Persons Group welcomes and strongly supports the Secretary-General's visionary lead on small arms. People of goodwill are called upon to ensure the success of emerging global small arms action.*

*1.4 In 2001, the United Nations will convene an international conference on illicit small arms trafficking. In March, the first PrepCom met at UN Headquarters in New York. Unfortunately, precious time is being wasted on modalities. In the interest of saving lives, efforts must be made to define objectives, means and goals for the 2001 conference.*

*1.5 The Secretary-General supports the Group's intentions to foster agreement among member States on an agenda for the conference. He believes the EPG can play an important role in this field. For what the victims of gun violence need urgently today is the immediate "reduction" of such weapons in the most affected regions of the world, and whatever assistance the UN or donor countries can come up with in this regard.*

*1.6 In developing countries around the world, ever-expanding small arms and light weapons expenditures aggravate deteriorating domestic conditions. With more and more resources diverted to maintaining internal order, human rights abuses increase, basic human needs are neglected and democracy and development are undermined. In many of these countries, precious natural resources, rather than being means for economic and political empowerment for the many, end up fueling the engines of war and*

*annihilation to enrich the few. The trade in diamonds, oil and precious metals increasingly provides funds for illicit arms purchases and has led to the creation of a dangerous strategic triad of political, criminal and commercial interests.*

*1.7 The excessive supply of inexpensive small arms also heightens inter-state conflict. With cross-border guerilla groups proliferating and dividing into warring factions capable of outgunning government forces, the operant dynamics of warfare are changing. Increasingly, internal instabilities tend to evolve into larger regional wars, putting the nation-state system itself in jeopardy.*

*1.8 The primary choice of weapon in 47 of 49 post-Cold War conflicts, small arms are responsible for 90% of war casualties. A majority of the 200,000 deaths annually are civilian, most notably children. Africa's regional conflicts alone have caused an estimated 7-8 million fatalities, 2 million of whom were children.*

*1.9 Conflicts have several political, economic, and social causes, but it would be much easier to prevent and resolve them if the availability of small arms were curtailed. The supply of small arms and light weapons is the most important aggravating factor in conflict situations. At the same time, the need and desire to acquire small arms in great quantities must be removed.*

*1.10 Economic-scientific cooperation can help provide necessary incentives. Nonproliferation could be strengthened by multifarious assistance packages and adequate redress of legitimate grievances. This dual challenge of peace and prosperity necessitates a comprehensive approach to (a) excessive world wide small arms production and proliferation, (b) collective security, and (c) economic-scientific cooperation. Such a triad, however, is in turn predicated on evolving partnership among developed and developing countries, rather than unilateral action taken through national export controls alone. In particular, the political and social problems of the aftermath of war and the needs of reconstruction have to be clearly understood.*

*1.11 Cooperative arms regulation and disarmament must, consequently, address both security, humanitarian and developmental concerns. It must be integrated into national programs as well as into international cooperation efforts. Economic development is dependent on a secure and stable political environment. Without economic development, many of the root causes of grievance cannot be properly addressed and there will be no political stability.*

*1.12 Small arms action is in a state of fundamental transition, characterized by the polar opposites of openness and cooperation on the one hand, and animosity and power politics on the other. While political support in favor of action on curbing small arms proliferation is building, such support seems to evaporate, as soon as one moves beyond generalities. Differences in approaches exist both among industrialized and industrializing countries, supplier and recipient States as well as those who support as opposed to are being affected by movements of national liberation. Also, an exclusive focus on transfer without addressing the problem of excess worldwide production is one of the obstacles that need to be overcome in addressing the small arms issue. Moreover, with political, security and economic interests of key players at stake small arms control is as much a conflict about security as it is a conflict about power. Applied to the intricacies of small arms action this means that as long as recipient states point to inadequate redress of underlying causes of grievance and supplier states succeed in advancing parochial political, security and economic interests small arms control and ipso facto small arms nonproliferation will prove illusive.*

*1.13 Twenty world leaders, including the President of Georgia, the secretary-general of the Organization of African Unity, the former prime minister of India, and foreign and defense ministers of Brazil, Cameroon, Russia, the United Kingdom and the United States, as well as leading arms control experts have joined us within the eminent persons group to make a specific contribution to the emerging global small arms effort.*

*1.14 The overall objective of this eminent persons group is to assist in efforts to curtail the proliferation and the unlawful use of small arms. Such an objective will require a constructive parallelism between a whole range of politically and legally binding instruments, involving operative and normative measures pertaining to the illicit as well as the licit trade, which must be dealt with both within the context of conflict prevention and conflict resolution.*

*1.15 Within the context of this overall objective, the group's goal is to promote a cooperative regulatory approach built around a small arms control regime (SACR), broad in scope and global in reach. SACR should rest on at least two pillars: On the preventive side, such a regime should consist of (1) a Small Arms Register, (2) strengthened national controls, including import and exort regulation, and (3) an international code of conduct. On the reduction side, SACR should consist of weapons collection programs, reconstruction programs and conflict prevention strategies. Such a goal will require both politicaily and legally binding instruments, covering the licit as well as the illicit trade.*

*1.16 A greater emphasis needs to be placed on the element of excess worldwide production as a major problem in the effort to stem the proliferation of small arm. Curtailing excess production will be a central element in the evolution of a Small Arms Control Regime, in accordance with the language of the Washington Communique.*

*1.17 Important lessons can be learned from the small arms moratorium of Western African states. As President Konare of Mali states: "the moratorium is not a legal impediment intended to restrict the sovereignty of states, nor reduce their freedom to provide for their own defense. Rather it is an act of faith, demonstrating the irreversible political commitment of our states."*

*1.18 Integral to cooperative disarmament, preventive measures must pursue two objectives: first, to limit and control production, availability and access to small arms (supply side) and secondly, to reduce the demand for such weapons (demand side). On the supply side such an approach necessitates measures aimed at controlling legal transfers between states, controlling the availability, use and storage of small arms within states, preventing and combating illicit transfers, collecting and removing surplus arms from both civil society and regions of conflict, increasing transparency and accountability, support for research and information sharing. (enhanced accountability, transparency and improved market regulation). Correspondingly, on the demand side the commitment of the international community to reversing cultures of violence, reforming and enhancing the security sector in those states most severely affected, creating norms of non-possession, enhancing demobilization and reintegration programs, halting the use of child combatants, combating impunity, tackling poverty and underdevelopment.*

*1.19 Also, reduction measures must be devised to secure, destroy or otherwise responsibly dispose of small arms that are already in circulation, inside or outside of legal possession. The international donor community should establish collection and buy-back programs as well as other mechanisms to identify and promote best practices and to ensure adequate financial support. The international donor community should render to affected states all necessary assistance to enable them to implement programs to deal effectively with the problems associated with the proliferation of small arms and light weapons. There are important lessons to be learned from the reintegration of ex-combatants into productive civilian life (Cambodia, Philippines), post-conflict reconstruction (Cambodia, Bougainville) and the reform of police, judicial and penal systems (Cambodia, Papua New Guinea).*

*1.20 The Secretary-General is right when he laments that "the task of effective*

*proliferation control is made far harder than it needs to be because of irresponsible behavior on the part of some States and lack of capacity by others, together with the shroud of secrecy that veils much of the arms trade." These weapons must be brought back into the control of the State, with the State being made responsible for its own deeds. That is why a cooperative regulatory approach must focus on all aspects of small arms production and transfers, commercial and non-commercial, illicit as well as licit. With a majority of licitly traded weapons fueling the illicit trade, it is important that the complete life cycle of small arms be controlled.*

*1.21 The Eminent Persons Group affirms its strong support for the Secretary-General's call for small arms control as "a necessary first step towards the nonproliferation of small arms." The Commission views its efforts as complementary to and supportive of Mr. Annan's resolute efforts to make meaningful progress in the near term in bringing small arms and light weapons under effective control. The Secretary-General supports the Group's intentions to foster agreement among a "Global Coalition" of Member States on an agenda for the 2001 conference. He believes the EPG can play an important role in this field. Towards that end, EPG will continue to assist and advise on how best to ensure that the outcome of the 2001 conference is a comprehensive Plan of Action.*

# 2 Overview

## *2.1 Crime control versus arms control Approaches: A Complementary Framework*

2.1.1 Two levels of action--crime control and arms control--can combine to form the basis for the complete overhaul of the international trade in small arms. Both are integral to the cooperative regulatory approach. A Small Arms Control Regime (SACR) will help provide the basis for reducing future supply. Underlying SACR is the basic idea of "cooperative disarmament." An emphasis on commercial activity to the exclusion of governmental action becomes unacceptable, because it perpetuates the pursuit of parochial interests by key supplier States, in many cases at the expense of recipient states. This process results in grievances and, in turn, political animosity and thus, ultimately, poses serious threat to collective action on small arms proliferation. SACR is a security concept that helps to overcome the division between crime control and arms control by putting in place stringent supplier restrictions and the duality of the interaction between nonproliferation, SACR, and control.

2.1.2 At a secondary level SACR incorporates small arms control as a political-military process, as both a cause for and consequence of organized multilateral diplomacy. Within this analytical framework, there are exchanges among the different elements of international relations, which reflect a hierarchical ranking of security.

## *2.2 Small Arms Control Regime*

2.2.1 There is growing determination on national, regional, and international levels to curtail the proliferation of small arms, e.g. the EU-SADC working group on small arms. What these efforts lack, beyond i. a. vital information and coordination is, first and foremost, the political will to act decisively. SACR can provide common policy, implementation, and enforcement standards, as well as, a forum for accumulation and analysis of data.

2.2.2 SACR should be broad in scope and global in reach. In particular, it must be a joint enterprise between developed and developing countries. SACR provides an alternate venue between the "security first" and the integrated proportional approach. To delegate small arms control measures exclusively to a regional level negates the supply/demand relationship of the issue. Developing countries will be left without support, while developed countries determine how to solve its half of the problem. The full picture of the small arms issue will never be clarified. However, SACR should not be seen as a replacement for local, national, or regional efforts. Instead, it is a way to integrate all of these various

approaches and ensure that they complement rather than conflict with each other. Initially, SACR could rely on NGO activity to provide a set of common standards around which these initiatives can be harnessed into the UN machinery. It could be the contact place where small arms regulatory organizations and efforts can find out what the others are doing, and thus have a more informed grasp of how and where initiatives should focus for optimum efficiency.

2.2.3 Given the fact that the right to bear arms is constitutionally guaranteed in several UN member States, the cornerstone of SACR is a set of principles, which with respect to small arms, define what States must do both internal and external to their borders. SACR, by its very nature, will also provide a meeting place for confidential information exchange. This section discusses some regulatory measures states within a Small Arms Regime can take to limit the supply of small arms and light weapons, with specific focus on how to prevent the future supply of such weapons. This task is undertaken using a realistic approach, advancing ideas that are feasible in terms of funding, timetables, and international support.

2.2.4 Functional and operational elements. SACR could consist of, on the preventive side, (1) an international transparency regime, (2) strengthened national export, import and production controls, and (3) an international code of conduct. These elements cut across several functional areas: licit and illicit supply, confidence-building and transparency measures, and post-conflict reconstruction, and finding ultimate expression in an international convention. On the reduction side, it shall consist of weapons collection programs as integral to peace agreements, disarmament and demobilization programs, and post-conflict reintegration. These measures should find ultimate expression in a global convention on trafficking in small arms and light weapons. Cooperative disarmament must address security and developmental concerns as functional corollaries and must be integrated into national programs as well as into international cooperation efforts.

# 3 A Small Arms Control Regime: Prevention

## *3.1 Addressing Licit Supply*

3.1.1 SACR and Regional Initiatives. SACR will be complementary to regional approaches, enhancing regional initiatives based on confidence and security, practical measures and norms/ principles. Not meant to detract from regional efforts, SACR is consistent with the spirit of regional import/ export quotas. These regional initiatives will be incorporated and connected to global implementation through a combination of information and resource sharing.

**3.1.1.1 SACR will provide a forum for notifying all participating countries of regional policy. Participating States will then be able to tailor their policy to best meet the goals of these regional efforts. For example, supplier states can ensure that licensing and end-use agreements match regional quotas, and that licenses are not granted to export arms or ammunition where there is a significant risk that they could be diverted and smuggled into the region. Increased transparency will help ensure that regional import/export quotas are respected.**

**3.1.1.2 Regional efforts on restricting flows of small arms into the area should be given full support. By clearly expressing what regional goals are being pursued, States will be able to see where international assistance would be most effective and possible courses of implementation. Efforts should include regional, joint-border controls and assistance and training for police and customs officials. Consideration should also be given to developing regional communications systems to help facilitate detection of illicit arms trade. For example, regional 'hotlines', coordination centers and data-bases could provide the vital information needed to combat the flow of illicit small arms.**

**3.1.1.3 Contribution for norms and principles in view of the UN conference. The principles and concepts provided within the SACR could be utilized by the UN conferees as they set an action agenda, providing a framework for follow-up work.**

3.1.2 International Transparency Regime. An international transparency regime is a key means of strengthening transparency in small arms and light weapons. Greater transparency is vital for combating illicit small arms trafficking. By carefully documenting licit trade, it will improve the chances of detecting arms proliferation and sources of diversion into the black market. It is a critical way to detect and prevent potentially destabilizing accumulations of small arms.

Another benefit would be an improvement in the ability to prevent violation of UN arms embargoes. Perhaps one of the most important consequences would be the ability to better analyze policy. As more information is made available there will be more opportunities to learn and promote effective policy. Gaps in policy will also be more apparent. It is difficult to fight such a complex problem when there is so little substantive empirical data on which to base decisions. Greater transparency will foster better choices and effective implementation of policy and encourage confidence-building between States. The Council of the European Union under joint action aims at building consensus in the relevant regional and international fora under subsection (d), Article 3, in order to ensure control of the establishment and maintenance of national inventories of legally-held weapons owned by the countries' authorities and the establishment of restrictive national weapons legislation for small arms, including penal sanctions and effective administrative control.

**3.1.2.1 One logical component of a transparency regime would be the inclusion of small arms in the UN Register on Conventional Arms or the creation of a separate UN Register for Small Arms and Light Weapons. Some possible categories of small arms to be included are mortars, machine guns, shoulder-launched missiles, and assault weapons. An immediate step is the building up on the Internet of an internationally-based authoritative and independent register for small arms, similar to the UN Register for Conventional Arms, and to encourage member States to make voluntary submissions to the register. EPG is in consultation with member States and NGOs to develop such a register which would include data provided by member States willing to contribute. The information included would center on the number and types of small arms and light weapons possessed and produced by each member, the number of those exported and their recipients. EPG's aim is clear that, having mobilized support for an independent register, a new register administered by the United Nations could be introduced depending upon the voluntary provisions of data by each member State. Eventually, sales to States not party to the Register or found in repeat violation of the international code of conduct could be penalized by the Security Council.**

**3.1.2.2 The logistical problems of adding a new category to the UN Register on Conventional Arms would suggest a limited amount of information to be included. For example, it might be possible to add one general category "small arms." Additional, more detailed information could be collected on a voluntary basis or through regional initiatives. The alternative is to create a separate UN Register on Small Arms. There are a number of advantages to such an approach, including emphasizing that the small arms issue is a unique problem independent of larger conventional arms.**

**The monitoring of small arms flows which is conducive to determining destabilizing accumulations could, in fostering transparency, enhance trust, confidence, security and, by extension, durable peace. Any UN register will have limitations. It is limited to only licit arms, as black market weapons, by definition, are not able to be quantified and reported by governments. Additionally, the success of the Conventional Weapons Register cannot be expected to be repeated. The weapons systems contained within that document are fewer in number and larger in size. Therefore, there are fewer weapon systems to count and report, and those systems are much more difficult to conceal than small arms. And, it can be expected that some states will cheat and not report all their legal production, for whatever reason. Despite these limitations, however, the increased transparency in production and destination remains useful.**

3.1.2.2.1 General Processing of Data. Under the Register, governments would be required to submit generalized reports, declaring production, stockpiling and transfer of small arms. Additionally, national lists of registered small arms manufacturers, importers, suppliers, and brokers should be included. Figures would also be provided for illicit arms confiscated or seized. Inclusion of information recording losses or theft from weapons stores, and the disposal and dismantlement of small arms stocks would also be pertinent.

3.1.2.2.2 Aggregation and Communication. Another useful component would be a list of national legislation and regulation pertaining to small arms. Such information is currently difficult to collect in a comparative manner. A compilation would improve the ability to detect discrepancies between national policy and the small arms non-proliferation goals of interested Sates.

3.1.2.2.3 Transparency and Early Warning. Initially NGO, eventually UN early warning systems should be set up in order to enhance early detection of proliferation. Points of transfer, such as harbors, airfields and supply roads, especially in regions of conflict, need monitoring. Such monitoring could be done by encouraging a "monitoring culture" within which, in countries concerned, illicit transfers are reported. Regional organizations, such as the OAU, OAS, and OSCE, for example, will be pivotal to supporting any monitoring capacity.

3.1.2.2.4 Holdings. In addition, the regime provides a benefit to member states, which have access to the Register's data. States will be able to determine an element of another state's military power based upon the reported data. This form of intelligence, available to regime members only, serves a member state's national security concerns and interests and provides an incentive for joining the regime. Transparency of holdings information can serve as a substantial confidence building measure.

3.1.2.2.5 Relationship of transparency regime to illicit trafficking. Information should be shared that would help expose small arms trafficking. Verification and transparency are mutually enhancing. Thus, information gathering and sharing are integral to an intrusive verification process and critical to prevention and enforcement, which is both a precondition for and function of transparency. Consequently, cooperation, coordination, training and information sharing among police, intelligence and customs within and between countries must be enhanced. Integration

with organizations such as Interpol would be relevant because the small arms black market relates to the general levels of violence in societies rather than simply conventional national defense. Documenting instances where end-use statements for export licenses have been forged or falsified or where arms traders have been convicted or de-registered would be invaluable for law enforcement authorities.

3.1.2.2.6 Respect for the legitimate needs for security. At no level is the intent of the transparency regime to impinge upon the legitimate needs for national security of UN member States.

**3.1.2.3 Transparency of production, licensing, and export regulations. Again, the first step is transparency. States should on a voluntary basis make public their relevant laws and regulations concerning the legal production, sales, and transfers of small arms. As before, transparency serves multiple functions. Other regime members can learn from this information what other states are doing to regulate their production, how they are ensuring that the sales are legitimate and that exports are directed to the appropriate end-user. Transparency also serves to highlight which states have both the most innovative and weakest rules, highlighting potential models and possible trouble sources. These measures also serve to foster cooperation and to build confidence.**

**3.1.2.4 Firearms Marking. As part of an international code of conduct, the marking of firearms for the purposes of identification and tracing is an important means to achieving transparency and accountability. This proposal is included in the draft Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts, Components, and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime Tracking, and hence forms part of the ongoing international discourse on small arms control measures.**

3.1.2.4.1 Most arms producers already have systems for registering weapons, imprinting arms with a serial number at the point of manufacture. The problem is that these efforts are not always adequate and lack harmonization. There also remain large numbers of unmarked weapons. There is a need for the creation of a system of appropriate and reliable marking of all arms. There must also be a system for the timely and reliable tracing of lines of supply. Arms tracking, by means of marking, holds markets and governments to higher standards of accountability. It promotes international and domestic accountability and restraint. Key principles include the following:

3.1.2.4.2 Marking technologies. Current methods of marking weapons are often relatively easy to remove. A standard should be determined for reliable and cost effective marking that cannot be easily erased or falsified. One option is to use chemical tracers. Mechanisms should also be established to support implementation by all interested States. Another technical decision must be made as to what information to mark on the arms. The OAS calls for the name of manufacturer, place of manufacture, and serial number. The 1999 Report of the UN Group of Experts on Small Arms (A/54/258) suggests including the country of manufacture and manufacturer and serial number

(so national authorities can identify the source). The goal is to ensure that the source of every weapon can be identified and increase the ability to trace its supply path. Providing standards for marking weapons will make tracing across numerous borders less of a "translation" problem.

3.1.2.4.3 Information-sharing on marked small arms. SACR can also help establish a contact point for accumulating information on the life of small arms. Records on small arms are often widely dispersed and time-consuming to access, and are occasionally lost. It is necessary to cooperate in efforts to identify and trace weapons. Governments should be encouraged to provide information in a timely manner that could facilitate arms tracking. Moreover, information that would be widely and repetitively accessed should already be available. Standard procedures for information access should also be outlined to make tracing across borders easier. It would also be helpful to determine what governments', manufacturers', and brokers' obligations are to cooperate fully with efforts to trace sources and lines of supply of illicit or suspect arms.

3.1.2.4.4 Marking newly produced weapons. Because a substantial portion of legally sold or transferred weapons end up being illicitly circulated, an international agreement should be reached on marking weapons produced for domestic consumption that strengthens the current OAS standard.

3.1.2.4.5 Goals of marking. First, marking acts as a deterrent against redirecting the weapon into illicit circles. There is no way to prevent the weapons from being redirected to the black market after the initial, legal sale and delivery has been verified. If the weapon can be identified, however, there is a greater likelihood that it can be traced, thus exposing the illicit broker to a greater possibility of prosecution. Similarly, similar logic will affect states redirecting licit weapons, discouraging them from undertaking this type of action. Second, marking allows future analysts to better track the flow of weapons, identifying the quantities of illicitly produced weapons, and inferring how licit weapons are introduced into the illicit realm. Third, marking the weapons makes it easier to track inventories and provide information supporting a small arms register, or other forms of weapon production transparency. This can also function as a certification tool: if marked weapons are legally sold or transferred to a specific recipient, and are later found to have been re-circulated on the black market, the recipient has to account for their redistribution activities or face weapon sales sanctions from regime members.

3.1.2.4.6 Delimitation of the purposes of marking. Marking weapons is not designed to be a process that tracks individual users to whom the weapons were legally sold. Such a database is both unnecessary and not feasible. None of the purposes listed above require that individual owners be tracked after they purchase weapons. Open declaration that such tracking will not be part of the regime will also help allay fears of firearm lobbies in democratic states. These lobbies pose difficult obstacles to ratifying regulations proposed by the regime and efforts to minimize the strength of their position, such as this declaration, should be employed whenever possible.

### 3.1.3 Strengthening national export controls.

**3.1.3.1 National legislation on the manufacture, possession, use, trade, transport and circulation of small arms must be revised and reinforced. Export control norms must be set and concrete and practical measures supporting their implementation developed. Emphasis should be placed**

on the fact that any control regime must be developed by consensus and not through unilateral action. A comprehensive control regime should be agreed to in order to regulate the activities of national and international agents who engage in the business of brokering with respect to the manufacture, export, import or transfer of small arms. The goal would be to standardize norms for granting export licenses and focus on strengthening end-use controls. There should also be greater information sharing of the activities of suspicious small arms traders and brokers and certain prosecution of violators of export licensing agreements. Such an approach would help States avoid becoming unwitting parties to small arms trafficking. It would also aid verifying the accuracy of arms export applications both before and after export authorizations, prevent misuse and diversion, help identify and apprehend international criminals and ensure their prosecution to the fullest extent of the law.

3.1.3.2 Export permits of limited duration should be granted on a case-by-case basis and, consistent with international agreements, arms control initiatives and possibly existent UN embargoes, should be guided by weighing the risk of adverse economic, political, or social impact within the recipient nation, as well as the human rights, terrorism, and proliferation records of the State in question. Governments should be encouraged to exercise unilateral restraint where such action is effective and not impeded by overriding national interests. Restraint must apply to the transfer of "surplus" weapons as well. Controls on ammunition are much needed. Since ammunition is consumed quickly during conflict, it has a dramatically shorter life-span than small arms. EPG believes that limiting access to ammunition under the same guidelines as small arms control policy would be a means of addressing recycling and circulation of small arms. (reference: Report of the Group of Experts on the problem of ammunition and explosives, A/54/155)

3.1.3.3 End-use controls should be revised and implemented with greater stringency. One of the keys to an effective policy is standardization of controls and information sharing. There is a need to coordinate export control policy so no supplier has a competitive advantage. A "best-practice" and minimum standard should be established for all countries. Export licenses should be conditional on agreement to provide data on end-use when requested and to cooperate with follow-up checks. Export license recipients must agree to inform export control authorities in the supplier state if the transferred weapons are re-exported or diverted to alternative uses. The goal should be to establish a right to information on end-uses or re-export. It is crucial for States to exchange information on instances where end-use assurances appear to have been broken or

**recipients or traders are found to have abrogated end-use commitments.**

**3.1.3.4 A new emphasis must be placed on enforcement at both, the national and regional level, especially in order to confront the globalization of the black market in small arms and new operational linkages between political and criminal groups. Practical control measures must be enhanced at national and international levels, such as police and customs cooperation must be strengthened and border patrols improved. Model regulations on small arms transfers should be developed to confront new transnational threats, including the production, distribution, and abuse of narcotics, illegal arms trafficking and terrorism. Internationally operating criminals, the "merchants of death," must be identified, apprehended and prosecuted to the fullest extent of the law.**

3.1.3.4.1 States must be supported in their serious efforts to restrict the flows of small arms into their countries and sub-regions. Partnerships could be developed to improve the capacity of law enforcement, customs and border patrols to monitor and control arms flows and accumulations. International assistance to help develop national and community capacity to combat illicit trafficking in arms is essential. Towards this end, States could create a new international body or delegate authority to the UN. At this stage, it seems wisest to ensourage INTERPOL to build up its information systems and to make that information available to States, so that they can, if they so desire to use their sovereign power under international law, check shipping entering their territorial waters or aircraft entering their airspace for the illegal carrying of small arms. There is a need to standardize the penalties for export license violators. Individuals or companies found to be involved in illicit arms trading should be consistently tried and punished. There should also be a coordination of restrictions and sanctions against them. Authorizing systems must be established for small arms manufacturers, dealers and, in particular, brokers. Increasingly, as controls on arms brokering are weak in many countries, brokering agents are found responsible for a majority of "illicit" arms shipments into regions of conflict. Too often, efforts to control arms brokering are undermined by brokering agents moving offshore, where controls are less stringent or even absent. One option is to require government licensing and registration of all small arms traders and brokers. Then if traders are found to provide misleading or false end-use statements or otherwise violate export license conditions, they could be de-registered without needing to be convicted in court. Governments would be discouraged from granting licenses to traders and brokers who are not registered. In addition, corporations and individuals should be subject to national jurisdiction for their worldwide arms brokering activities.

**3.1.3.5 Since licit weapons frequently become illicit, a mechanism for reducing licit weapon production and transfers must also be part of the regime's efforts. This is much more difficult area to work within because of the legitimate resistance that exporting states will have to regulate legal economic activities. The small arms producers and exporters are the going to have to be willing to curtail legal activity for the greater good of reducing supply. Convincing these states to undertake such restraint is going to be difficult. Therefore, it must be approached tactfully and**

**progressively, using the same type of step-by-step plan as the regulation of illicit supply.**

**3.1.3.6 An interesting concept at present in its formative stages is obligatory third-party liability insurance, which could be required for every small arm produced or traded. Commercial manufacturers must be held liable for the damages incurred by their small arms during the illicit phase of their life cycle. It would be irrelevant that the damaging act itself is, by whatever reason, perpetrated by a third person. Such liability insurance exists in many States in other fields. It would force commercial small arms producers and dealers to act more responsibly in their transactions. It would need to exclude weapons explicitly manufactured by or for UN member States.**

3.1.4 International Code of Conduct. The transparency measures and export control policies and mechanisms described above form the foundation for the development of an internationally accepted set of norms dealing with the supply of licit weapons. An international code of conduct is interwoven among the initiatives and recommendations relating to transparency. Integral to responsible national export policies, an international code must promote national and multilateral responsibility, restraint, control and transparency.

### *3.2 Combating Illicit Trafficking in All its Aspects*

3.2.1 Scope of the problem: combating illicit trafficking in small arms and light weapons and its destabilizing accumulation globally and regionally with emphasis on the "hot bed" and "conflict areas." Illicit trafficking, as noted above, is linked in many ways to the licit trade. However, it is useful to distinguish them analytically, as tackling illicit trafficking will require solutions somewhat different in emphasis than those directed toward the licit trade. EPG's approach to combating illicit trafficking is to focus efforts on identifying key choke points in the illicit trade, such as brokering, financing, and transportation of small arms and light weapons (SALW), and directing energies to combat illicit trafficking at these choke points.

**3.2.1.1 This question of state responsibility to "restrict" trade only to "authorized" producers and dealers goes to the heart of the debate on controlling international transfers of small arms since it necessitates the establishment of consistent mechanisms for the effective state regulation of the legal trade in those weapons and for increased transparency in such arms transfers. A number of states' representatives have already tried to downplay the de facto interrelationship between illicit trafficking, smuggling and the legal trade in small arms, arguing for a very narrow**

focus on apprehending "criminals." But the weight of empirical evidence on trafficking, if presented fairly, shows that the spread and abuse of small arms results primarily from the lack of state regulation and transparency.

3.2.1.2 Organized crime syndicates are certainly a major part of the problem, but much of the destructive effects of the proliferation and abuse of small arms can also be categorized as "illegal" even though this may be the result of activities by dealers acting with the approval, or at least acquiescence, of governments and their agencies. The Preparatory Committee was therefore careful in its final statement of the first session to identify the problem as "the illicit trade in and proliferation" of small arms. These were "the primary causes of violence and conflict in many countries and had hindered many development efforts, by undermining investor interest and causing the flight of capital and human resources. The increase in drug trafficking was also linked to the proliferation of small arms and light weapons." This formulation still allows for a creative negotiating process even though, as with the treaty on landmines, it is inevitable that certain states will try to block meaningful progress on any international agreements to restrict the transfer of small arms.

3.2.1.3 It is clear that there has been a large global increase in the number of small arms producers. This increase has taken place in a context where most countries' export and import regulatory regimes remain hopelessly weak and out of date. Anecdotal evidence on dealers and transfers suggests that these producers are relatively free to target international markets subject to little regulation based upon objective measures of the customers' legitimate needs. Recent research has identified how international arms brokers, shipping agents and other middlemen exploit such weaknesses and feed upon the intensified competition between the producers, pointing to a pattern of West European arms brokers sourcing supplies for poor countries from cheap stocks in mainly Eastern European countries. Such actors fuel the illicit trafficking of arms, especially small arms since these are easier to conceal and much in demand by dubious armies, warlords and crime syndicates.

3.2.1.4 A recent, and shocking, example of the magnitude of the problem of illicit trafficking is illustrated by documents from the military archives of the Rwandan regime that planned and carried out the genocide in Rwanda. These documents show that the main foreign brokers and shippers involved in arming the perpetrators of the 1994 genocide were based in the UK, France and South Africa. They employed networks of collaborators in other countries, including Albania, Belgium, Bulgaria,

**Italy, Israel, Seychelles, former Zaire, and various offshore financial centers. Interviews with some of those involved and evidence cited by the subsequent UN commission of inquiry corroborate the information contained in the Rwandan government documents. Similar multinational networks and techniques have been used with impunity to circumvent the UN sanctions against the Angolan rebel movement, UNITA. (reference: the FOWLER report)**

3.2.2 Measures to prevent and combat illicit trafficking in small arms and light weapons

**3.2.2.1 National-Level Initiatives. At the national level, states may combat illicit trafficking by focusing on two key policy areas: national export controls and initiatives in law enforcement policy.**

3.2.2.1.1 Strengthening of export control measures. As noted above with regard to improving regulation of the licit trade in arms, implementation of improved export control measures at the national level is likewise valuable in stemming the flow of arms from the licit to the illicit markets. Indeed, it is likely that a major portion of the illicit trade is possible simply due to lax, poorly enforced, or simply nonexistent national export control systems. A SACR could play a role in encouraging states to improve the quality of their export control systems more generally, and to coordinate attempts to develop international standards by which export controls might be measured. One such initiative, discussed below, concerns securing multilateral agreement to allow only authorized manufacturers or brokers to sell arms, and to restrict their sales to similarly authorized entities. As part of such initiatives and export control strengthening, documentation, end-user certification, and the conformity of national marking systems to the requirements of combating illicit trafficking in small arms will be critical measures to assure that national reforms contribute substantially to stemming the illicit trade in arms.

3.2.2.1.2 The second category of national-level action concerns measures which focus specifically on identifying flows of arms and uncovering and disposing of illegal stockpiles. These measures focus on improving national law enforcement and customs practices, and on making reducing or eliminating illicit flows a priority in national and local law enforcement communities.

**3.2.2.2 International-Level Initiatives.**

3.2.2.2.1 For instance, SACR could facilitate information exchange on procedures and national practices, facilitating the development of a standard of minimal required measures to regulate the arms trade. Similarly, many states do presently maintain relatively rigorous control mechanisms regulating brokering and other arms-related activities. Analysis of these systems with an eye to generalizable lessons could be a fundamental way in which a SACR could contribute to curbing the illicit trade.

3.2.2.2.2 Additionally, based on the results of these analyses SACR could facilitate or create incentives for states to harmonize national procedures in the regulation of arms, moving toward regional and global standards with regards to appropriate arms control measures. States which already meet or

exceed minimal required standards could participate in regional joint training programs between law enforcement and/or customs officials of various countries whereby knowledge of and experience with international "best practices" could be disseminated.

3.2.2.2.3 With regional joint training programs establishing patterns and precedents of cooperation, the next logical step is the establishment of formal co-operation between law-enforcement, customs, border and licensing services. By initiating joint programs and measures, clusters of states could increase their leverage at the regional level in dealing with flows of illicit arms.

3.2.2.2.4 In some cases, there may be warning signs that events and conditions in a given state or region may be conducive to proliferation of small arms and light weapons. Hence, adoption of a set of transparency and monitoring measures and standards, as noted above, whereby such conditions might be identified early and with haste, would allow SACR and other relevant bodies to bring to bear the weight and force of international public opinion and to encourage diplomatic pressure opposed to such proliferation. Most usefully, such early warning could allow time for the building of consensus necessary to mobilize resources which might pre-empt such proliferation before it occurs.

3.2.2.2.5 Not to be underestimated, increased coordination between and, where practical, harmonization of legal standards regarding the issue of arms brokering, export controls, and other regulatory measures is another area in which action at the international level could significantly decrease illicit trafficking. For instance, a major impediment to prosecution of international arms smugglers is the extraterritorial nature of the crime. A network of bilateral reciprocal legal agreements by which ex-patriots may be held liable to regulations in their country of origin could begin to limit the freedom of movement of many would-be smugglers. More generally, coordination of legal measures simply decreases effective areas of operation for such individuals.

3.2.2.2.6 A Global Convention on Combating Illicit Trafficking in SALW. The restriction by states of trade in small arms and light weapons to entities authorized by and registered with the state represents a potentially viable supply-side initiative to reducing illicit trafficking in arms. Whether this regime would form part of the SACR, or whether it would emerge more directly from current multilateral negotiations, such an approach is worth further exploration and development.

3.2.2.2.7 UN Firearms Protocol. In April 1998, the ECOSOC Crime Commission set up an ad hoc committee to negotiate a "legally binding international instrument" to combat trafficking in firearms - now commonly known as the UN Firearms Protocol because it is intended as a protocol to the forthcoming UN Convention on Transnational Organized Crime. The Protocol may be signed later this year and, if agreed, will become the first legally binding global mechanism to regulate international transfers of small arms and light weapons.

3.2.2.2.8 While the purpose of the UN Firearms Protocol is to prevent, combat and eradicate illicit manufacturing of and trafficking in firearms - using common standards for the import, export and in-transit movement of weapons and hopefully establishing international co-operation and information exchange - a number of States continue to propose optional text which could either strengthen or weaken the measures contained within the Protocol. Some of the key provisions will affect the degree to which States will register small arms manufacturers and dealers, namely

3.2.2.2.8.1 *Definition of firearms: There is no consensus around the range of weapons that will be controlled by the Protocol. In early drafts of the agreement, firearms were defined broadly, covering many categories of small arms and light weapons. If a broad definition were retained, the Protocol would have a far-reaching effect on combating trafficking of weapons to both individuals involved in criminal activities and to conflict regions. However, some delegations are calling for a more narrow definition of firearms.*

3.2.2.2.8.2 *Scope of controls: The controls outlined so far in the draft Protocol only cover commercial transactions. State-to-state transfers and transfers for "the purposes of national security" are exempt. However, many of the measures included in the Protocol could and should be applied to all weapons transfers. For example, it is as important to mark state owned weapons as weapons destined for the civilian market. Currently, there is no consensus as to whether state transfers should be controlled within the remit of the Protocol. However, to combat the illicit manufacture and trade in weapons, it is vital to determine what is a legal transfer and what is an illicit transfer. For instance, as discussed below with regard to reduction-side measures, a considerable proportion of weapons have been diverted from state arsenals to the illicit market as a result of loss, theft or corruption. Therefore, it is vital to apply the same standards of marking, tracing and record keeping to both state and non-state transfers.*

3.2.2.2.8.3 *Inclusion of brokering and shipping agents: An extremely welcome proposal within the Protocol is a new provision to control firearms brokers within the remit of the agreement. The proposed article on brokers is currently under Article 18 of the UN Firearms Protocol, but should be widened to include Registration and licensing of brokers, retailers and transportation agents. The text in the article should read:*

3.2.2.2.8.3.1 States that have not done so shall take steps to require brokers, retailers and transport agents, who act on behalf of others, in return for a fee or other consideration, in negotiating or arranging transactions involving the international export or import of firearms, their parts and components or ammunition:

3.2.2.2.8.3.2 To register with the country of nationality and with the country where the negotiations or arrangements referred to above are made; and

3.2.2.2.8.3.3 To obtain for each transaction a licence or authorization from the country of nationality and country where the negotiations or arrangements are made.

3.2.2.2.8.3.4 The inclusion of this provision would require other aspects of the draft protocol to be made consistent, especially Articles 2 and 5. In addition, Article 6 on Jurisdiction would have to be revised to include a provision to maintain jurisdiction over nationals who commit no offence in their country of nationality but engage in illicit firearms trafficking abroad.

3.2.2.2.9 UN Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Meanwhile, another international negotiation has become a key forum for the discussion of the need to register and regulate small arms manufacturers and dealers. A Preparatory Committee was established by the General Assembly to decide on the dates, venue and agenda of the 2001 United Nations Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects, as well as on the dates and venue of its subsequent sessions. The Committee was requested to make recommendations to the Conference on all relevant matters, including the objective, a draft

agenda, draft rules of procedure and draft final documents, which will include a program of action, and to decide on background documents to be made available in advance of the Conference. It was also mandated to take a decision on the modalities of attendance by non-governmental organizations at its sessions.

3.2.2.2.10 Many difficult issues arising in the 2001 Preparatory Committee sessions and Conference will be similar to those in the UN Firearms Protocol negotiations. It is therefore significant that, after its first meeting at the end of February, the Preparatory Committee requested the UN's planned study on "the feasibility of restricting the manufacture and trade of such weapons (small arms and light weapons) to the manufacturers and dealers authorized by States, which would cover the brokering activities, particularly illicit activities, related to small arms and light weapons, including transportation agents and financial transactions," as well as the views of UN Member States on the study.

### *3.3 Confidence-Building and Transparency Measures*

3.3.1 Information exchanges on regional brokers and shippers of small arms and light weapons. Linked to, yet analytically separable from, the regional coordinative measures enumerated above is the issue of information sharing on arms brokers and shippers. Under the general rubric of transparency, information sharing on such activities heightens the degree of general awareness of the activity of arms brokers, and assuring that all interested parties may track small-arms related actions closely.

3.3.2 Information exchanges on proven facts of illicit trafficking in small arms and light weapons, as well as on the number of seized small arms and light weapons units. If law enforcement officials in one or more states possess, singly (or together, hence the need for law-enforcement information exchanges) sufficient evidence of illegal small arms activities, sharing this information is an inexpensive way to broaden awareness of offenders and brokers, increasing level of knowledge about those responsible and creating disincentives to smugglers simply by making their lives more difficult. With information on those sought for offenses widely available, the ability of smugglers to move about freely is significantly reduced. Sharing information on seizures of small arms and light weapons allows for better accounting at the regional level of arms taken out of circulation, and may allow for some observation of trends in terms of illicit arms activity. For instance, if the frequency of seizure of one particular type of weapon suddenly increases, uncovering and mapping the network which is channeling the arm may become simpler.

3.3.3 Information exchanges on the number of destroyed and decommissioned small arms and light weapons. The collection and sharing of this information improves the general level of knowledge about international small arms events. Collection and dissemination of careful accounting statistics on destroyed and decommissioned arms has thus far been relatively rare. Also, by checking the

street price of arms after major seizures, destructions or decommissioning, economic analysis may allow, over time, better estimates of the actual size of the illicit market in a given region.

3.3.4 Finally, an area to which a SACR should lend its support is the inclusion into an international code of conduct a measure to limit trade in small arms and light weapons to dealers authorized by the relevant state.

### *3.4 Post-Conflict Stabilization*

3.4.1 Measures to promote confidence in the security sector.

**3.4.1.1 Before, during, and after intra and inter-state conflicts restoring the overall confidence of the security sector of involved states—military, police, or other armed forces—is imperative. If the security sector of a state suspects or knows that arms are accumulating at an alarming rate in the hands of unauthorized or unfriendly groups the likelihood of aggressive action or retaliation may increase. Assisting such states in providing a dispassionate security assessment which decreases the level of uncertainty surrounding arms accumulations can determine whether any action is justified. Identification of a destabilizing accumulation contributes to early warning of conflict, and may allow multilateral action to restore confidence and decrease the likelihood of conflict.**

**3.4.1.2 Following major conflicts it is also worthwhile to review national legislation to assure that measures to combat illicit trafficking or reduce destabilizing accumulation of small arms are in-place.**

**3.4.1.3 Review and strengthening of enforcement agencies can be another important tool in stabilizing a fragile post-conflict situation. Restoration of public confidence in the capabilities, credibility, and fidelity of law enforcement agencies is critical to reducing popular tension and the likelihood of resort of violent conflict.**

3.4.2 There are a series of measures which can contribute to the demobilization and reintegration of combatants, an absolutely critical aspect of post-conflict stabilization. The presence of large numbers of former combatants whose only livelihood has been through military or paramilitary activities is a recipe for major problems. Such individuals, suddenly finding that they are no longer needed or wanted, may turn to mercenary activities, may simply resell military materiel available to them, or engage in criminal activities. Hence there are a number of prudent measures to assure that reintegration of former combatants is as smooth as possible.

**3.4.2.1 First, while upholding the need for war crimes and crimes against humanity to be prosecuted, especially with respect to key decisionmakers, the promotion of amnesties for former combatants will make it easier for such combatants to re-enter the political and social fabric of a state or region. If such individuals fear retribution or sanction, they are more likely to remain outside of such structures, and thus outside of the system of social norms which, one hopes, opposes the resort to violence. There are potential implications for and contradictions in the manner in which the War Crimes Tribunals were established in the Former Yugoslavia and Rwanda and for the establishment of the International Criminal Court. Further urgent study is warranted on these matters.**

**3.4.2.2 Second, inclusion of weapons decommissioning and collection and destruction programs in peace-keeping and/or post-conflict mandates allows the implementation of a multi-pronged approach to restoring stability in a conflict-ridden and arms-ridden zone. Along with other measures, building decommissioning and weapons collection and destruction programs directly into post-conflict settlements and multilateral programs is a useful way to increase their likelihood of implementation.**

**3.4.2.3 Third, co-operation with neighboring states to prevent resupply through illicit trafficking should be increased, if possible, in a post-conflict phase. Such cooperation, obviously, may not be practical. However, insofar as is possible, it should be a priority.**

**3.4.2.4 Fourth, international monitoring of implementation of a post-conflict settlement or peace agreement provides a means to enhance the credibility of attempts to re-integrate and demobilize former combatants. In the case of a post-conflict adjustment phase such international visibility and attention may be crucial.**

3.4.3 Public awareness programs. In some regions which have experienced prolonged conflict there have emerged cultures of violence and of the gun. These normative structures, which value violence as a means of problem resolution and weapons as sources of certainty in an uncertain world, often reinforce conflict and violence. Reversing or minimizing these cultures through public awareness programs and public information campaigns should be a key priority in any post-conflict setting. It is evident that eliminating such cultures which propagate violence and uncertainty is daunting at best. Yet, until individuals are able to reconstitute their social identify, the cycle of violence will not be broken. More concretely, measures to sustain peaceful development,

such as retraining programs for former combatants, can play an important role in reconstituting social identities by assuring that these individuals have market-valuable skills.

3.4.4 Role of NGOs. It is a sad reality of power politics, which still divides the Security Council on small arms nonproliferation, that at present some permanent members are opposed to a number of the suggestions set forth in this consultative document. While some of their objections may be settled in discussion and negotiation, others will remain in dispute. It is, therefore, essential that, in its initial stages, any small arms control regime rely on voluntary action undertaken by member States in response to legitimnate pressures by NGOs and civil society at-large.

3.4.5 Role of the UN. The UN, through its relevant institutions, has a critical role to play in supporting post-conflict adjustment with regard to the small arms question. The UN will be invaluable in bringing its expertise to bear in implementing practical measures at the local level. However, it is also true that the UN role should be seen as complementing and contributing to regional organizations and regional solutions. Thus, while the UN must bring its institutional force to bear to facilitate peaceful solutions, ultimately, leadership and the will to create lasting peace must come from the local and regional levels, and be tailored to regional concerns and characteristics.

# 4 A Small Arms Control Regime: Reduction

***4.1 Reduction and prevention, like many dimensions of the small arms problem, are closely related. Thus measures designed specifically to reduce existing stockpiles, which in effect is a form of prevention of future proliferation, overlap in some instances with measures noted previously. For instance, measures designed to stem illicit trafficking may in some instances identify extant stockpiles. In focusing on reduction, however, particularly in a post-conflict environment, specialized planning and doctrine spanning political, social, and economic factors, are required if such initiatives are to be effective.***

***4.2 Indicators of a surplus. As a first step, it should be clearly established that an arms surplus exists in a given locale. Several actions and indicators should be noted to provide the basis for definitive action.***

4.2.1 A national determination. A formal declaration by the state in question is valuable to formalize the social and political consensus to take actions to reduce standing surpluses of arms. Prior to this declaration, several initiatives can be taken to provide the empirical foundation upon which such a declaration would be based.

4.2.2 High lethality rates resulting from SALW. Continued small arms related deaths and suffering provides ample evidence of an arms surplus. Clear articulation of the size and scope of the problem by publication of information on the widespread suffering caused by such arms is a viable means of contributing to consensus building for action.

4.2.3 Surplus weapons are not needed for national or internal defense. Particularly applicable following a major arms buildup or conflict, there will often be a major surplus of arms which played a role in the conflict or political economy of the conflict phase. Following termination of hostilities, it is sometimes the case that many more arms have been produced than are required for the altered threat environment. Large numbers of arms in circulation leftover from the Cold War are a strong case in point.

4.2.4 Legitimate buyers are difficult to find. If "legitimate" purchasers of arms cannot easily be found for existing weapons, then it seems clear that any legitimate market is saturated with arms. In such instance, the legitimacy of potential

buyers must be scrutinized carefully, while the motivations of suppliers, who produce or maintain weapons stockpiles must similarly be scrutinized. When legitimate buyers are scarce, suppliers may be tempted to turn to less than legitimate buyers in grey markets.

***4.3 Collection and Destruction of Small Arms and Light Weapons: Global/ regional incentive-based weapons collection programs. Ambassador Peggy Mason has established a set of solid guidelines for weapons management in a post-conflict environment generally, and incentive-based weapons collection programs specifically. The following section adopts approaches and priorities identified in her recent monograph "Disarmament, Demobilization and Reintegration Programmes in a Peace-Keeping Environment: Principles and Guidelines."***

4.3.1 Purposes of Destruction. Complementing prevention measures in a post-conflict environment are incentive-based weapons collection and destruction programs. These programs can be grouped into the category of "disarmament, demobilization, and reintegration" (DD&R), and require a multifaceted, coordinated approach to deal with a range of post-conflict problems, including political and diplomatic, military, humanitarian, reintegration, and development dimensions. The DD&R process focuses on incentive-based weapons collections programs. Against the overall backdrop of a post-conflict settlement which includes at least the framework for a DD&R, the ultimate goal is to provide the foundation for a lasting peace by disarming and demobilizing former combatants, and destroying surplus weapons in circulation.

4.3.2 National and international experiences. Experience to date indicates that disarmament and weapons management should receive sufficient attention in (1) the design of DD&R plan; (2) negotiation of the peace agreement; (3) any UN Security Council mandate authorized to oversee a peace implementation process; (4) the mission planning process; (5) the post-implementation follow-up processes.

4.3.3 Options and methods. The emphasis in collection and destruction efforts should be on an incentive based system, which might include, but is no means limited to cash-based programs. In addition to formal demobilization processes for former combatants in military or paramilitary organizations, it is paramount that carefully planned and effective measures for voluntary disarmament outside the formal demobilization process. Any plan must take accouht of local circumstances, and draw as much as possible on community-level leadership. A key precondition concerns reducing the security value of weapons, and their relevance to an individual's economic prospects. This can be accomplished through establishment of a reasonably secure environment combined with humanitarian

efforts to address basic needs.

4.3.4 Deactivating and decommissioning. In accordance with the agreed demobilization procedures, all groups subject to the formal demobilization process will be required to assemble at designated sites (Assembly Areas) en route to the locations (Encampments for opposition forces and Discharge Centers for government forces) where the formal demobilization and discharge processes will take place. To ensure that disarmament takes place as early as possible in the peace implementation process, every effort should be made to plan for the disarmament of all ex-combatants immediately upon their arrival at the designated Assembly Areas. Planning should proceed on the basis of phased arrivals, with lesser numbers initially and a gradual increase.

4.3.5 Financial and technical assistance. For those states with the courage and will to implement DD&R programs, the very least the international community can do is to make available resources to facilitate such activities.

**4.3.5.1 The United Nations. The UN can develop centers for excellence pertaining to certain aspects of the problem area, such as arms collection programs, security sector reform and security arrangements for post-conflict development. Technical and financial resources are needed and the UN can play a role in mobilizing these resources.**

**4.3.5.2 The international donor community should cooperate with affected states in the establishment of incentive-based weapons collection programs as well as other mechanisms to identify and promote best practices and to ensure adequate financial support. States such as Japan, and organizations such as the G-8 and the EU have shown particular leadership in this regard, and are to be emulated. The establishment of an international trust fund, in some mutually agreed upon form and authority, represents a prescient initiative.**

***4.4 Improving stockpile management and security. At a more tactical level, a major channel through which licit arms find their way into the illicit market is through their theft from government stockpiles and holding facilities. In many instances, such official stockpiles, whether stored for military or policing purposes, are poorly guarded and poorly maintained, making inviting targets for groups desiring to procure arms for their own, unofficial purposes. Efforts to improve this problem should proceed on several levels, and should be promulgated and supported by the SACR. First, passive measures, such as bunkers, lights and alarms, are simply sensible. Second, states should implement active measures to assure stockpile security. Specifically, assuring that armed sentries watch over arms***

***stockpiles, armed guards twenty-four hours per day should complement the passive measures discussed previously. Third, often inventory management, accounting and control are lax in such facilities. Reforming, streamlining, and assuring that these practices meet commonly-accepted standards is a simple way to reduce flows of arms from licit stockpiles to the illicit trade. Finally, states should implement stiff penalties for loss or theft of a weapon, both to provide incentives for government personnel to take seriously their responsibilities to safeguard arms stockpiles, but also to deter those who might consider "losing" arms to be resold for personal gain. Accountability is a fundamental value in this instance.***

# 5 Small Arms Control: Goals, Norms, and Strategy

*5.1 The proliferation of small arms constitutes a serious threat to international security and economic development. At the same time, lack of security, real or perceived, and expanding economic needs are root causes of proliferation. The dual challenge of peace and prosperity necessitates a comprehensive approach to (a) small arms nonproliferation, (b) collective security, and (c) economic-scientific cooperation. Such a triad, however, is in turn predicated on evolving partnership between developed and developing countries, rather than unilateral action taken through national export controls alone.*

*5.2 The changing operant dynamics of modern warfare, in which small arms inflict the majority of casualties on civilians, make concrete and realistic steps in curtailing the proliferation of small arms imperative, for a present danger, threatening people in countries the world over, must be met by an early and joint response. Thus a desire to broaden the UN's mandate in the small arms arena and widen the scope of burgeoning global small arms action is at the center of the EPG's call for a global small arms control regime. UN leadership on small arms nonproliferation can alleviate current imbalances in political approaches and bridge the gap between variable political, security and economic interests. The SACR, broad in scope and global in reach, would allow the international community to address small arms proliferation promptly, flexibly and efficiently.*

*5.3 Small arms violence poses as much a humanitarian as an arms control challenge. As a particular threat to the international community curtailing the proliferation of small arms is increasingly viewed as an integral part of arms control and disarmament, preventive diplomacy, peace enforcement (i. e. UN Charter chapter VII action), peace-keeping, and peace-building, five areas for action by the international community that are at the core of advancing, under UN auspices, multilateral talks on curbing illicit trafficking in small arms. Elements of a new international consensus need to be explored which take into account both the issue's global dimension, the linkages between the illicit and licit trade and synergies between security and development.*

*5.4 In adopting GA resolution 54/54 V of 15 December 1999 the international community took account of the fact that with all the convulsions in global society, only one power is left that can impose order on incipient chaos: it is the power of principles transcending changing perceptions of expediency. Reducing the number of small arms requires a multisectoral and comprehensive approach, encompassing a whole range of measures,*

***both operative and normative, which must be dealt with both within the context of conflict prevention and conflict resolution. Small arms action must address both security, humanitarian and developmental concerns.***

***5.5 While a systematic development of small arms control proves elusive in part due to the fact that the underlying policies vary greatly in focus and scope, there seems to be potential in pursuing this approach to small arms action. Small arms action as both a means and an end is increasingly recognized as a viable discourse for UN multilateral diplomacy within the larger context of conventional arms control. That leaves the question of how to redress the criticism of diverting from larger disarmament issues unresolved.***

5.5.1 However, while our focus may be small arms, we should, nonetheless, support greater transparency and arms regulations in general, including weapons of mass destruction. This should be done by done by taking a consistent and balanced approach, especially if we are attempting to engage the international community and the United Nations.

5.5.2 The cooperative regulatory approach is essential. In the functional understanding of SACR, we need to question to what extent nonproliferation is predicated on control and to what extent SACR contributes to control and nonproliferation? It is the quest for a practical understanding of the functional interaction between nonproliferation, control and SACR that is at the core of the cooperative regulatory approach.

5.5.3 Nonproliferation interacts with corresponding small arms control. Control measures must correspond more firmly to nonproliferation because of the ripple effect arising out of national political, security and economic concerns. The logic requires a universal, comprehensive and non-discriminatory small arms control regime. Universal, comprehensive and non-discriminatory, SACR would integrate current efforts based on a variety of approaches: crime prevention, arms control, firearms regulation, human rights, development, gun safety, and others. It should, therefore, not be viewed as detracting from or interfering with ongoing, local, national or regional efforts. Rather, SACR can be said to provide a set of common standards around which these efforts can be harnessed.

5.5.4 SACR provides for a clearer definition of proliferation norms, incentives, disincentives and classification of supplier states in terms of capabilities. Calling for strong incentives against proliferation SACR could help enhance the incentives for nonproliferation. This is only possible with an international regime based on principles of transparency and universality. It could be difficult to fight off the perceived discriminatory nature were it otherwise. A linear approach to small arms action is unlikely to meet the objective of curtailing proliferation.

5.5.5 A twenty-five per cent increase in the number of producers between 1985-1995 notwithstanding a limited number of 300 manufacturers in 74 countries, with most of the significant suppliers located in industrialized countries, would attest to the efficacy of a supplier-based control regime. Moreover, the permanent members of the UN Security Council alone are responsible for 85% of the global arms trade. With 40% of the worldwide flow of small arms attributed to illicit trafficking and the majority of illicit weapons proven to originate in the licit trade, getting these governments to tighten national controls and to accept strengthened international standards for legal arms transfers should lend itself to reducing supply significantly.

5.5.6 SACR advances reciprocity under which recipient States would agree not to seek particular weapon types in exchange for suppliers agreements to specified arms control and disarmament measures, e.g. transparency in armaments, intra-regional import ceilings. Moreover, "cooperative disarmament" based on interactive measures aimed at peace and prosperity concomitant to the elimination of existent stockpiles must be advanced.

5.5.7 SACR must be viewed in the light of its applicability in the present day changing political situation and newly-emerging circumstances. Still, member States hold it to provide reasonable prospect for wider support as it adequately addresses the inseparable linked resolution of control, nonproliferation and economic development.

***5.6 The objective of SACR is not only to avoid the worst, i.e. small arms proliferation but, more importantly, to achieve reductions in existent stockpiles. The international donor community is called upon to appropriate the funds necessary for a global weapons buy-back program. It must be noted, however, that the international community stands ready for practical action for as long proposals put forth are realistic and cost-effective.***

***5.7 SACR provides both the conceptual and programmatic impetus for burgeoning global small arms action. More importantly, it articulates a plausible and logically consistent strategy that will enable the international community to deal effectively with the demands confronting it on small arms proliferation.***

***5.8 As a coherent strategy linking the classic triumvirate of ends, ways and means SACR provides a viable solution to small arms proliferation. For success in world politics does not depend solely or even uniquely upon superiority in numbers or in technology, however important those attributes may be. Advantages in either respect may not suffice as long as there is a dearth of strategic vision.***

*5.9 It must be our goal to explain why and how these two levels of action—crime control and arms control—can, integral to the cooperative regulatory approach, combine to form the basis for the complete overhaul of the international trade in small arms. SACR will help provide the basis for reducing future supply. Underlying SACR is the basic idea of "cooperative disarmament." Putting the sole emphasis on commercial activity to the exclusion of governmental action is unacceptable, because it perpetuates the pursuit of parochial interest by key supplier States, in many cases at the expense of recipient States. This process results in grievances and, in turn, political animosity and thus, ultimately, poses serious threat to collective action on small arms proliferation. SACR is a security concept that helps to overcome the division between crime control and arms control by putting in place stringent supplier restrictions and the duality of the interaction between nonproliferation, SACR, and control.*

*5.10 A deeper understanding of nonproliferation as a function of SACR is predicated on some understanding of the concept of small arms action within the UN framework. An accurate assessment of SACR as a function of nonproliferation, then, must precede any discussion of the specific steps taken for the purposes of advancing SACR as amenable to nonproliferation.*

*5.11 With SACR originating as a response to the perceived threat perception emanating from small arms proliferation it is important to document the underlying versus precipitating causes for small arms control. The cooperative regulatory approach constitutes an intervening variable between Security First and the comprehensive and integrated approach that helps move the relationship from crime control to arms control, thus giving rise to an equitable resolution to the proliferation dilemma which, in turn, feeds back into renewed small arms control efforts. EPG's leadership in response to diversion on the part of key supplier States may prove conducive to mobilizing international support in favor of arms control at the expense of crime control.*

*5.12 Cooperative arms regulation and disarmament must address security and developmental concerns. It must be integrated into national programs as well as into international cooperation efforts. While the task is a daunting one, many international development agencies have already taken steps to incorporate security sector reform and other conflict prevention strategies into their assistance programs.*

*5.13 Integral to cooperative disarmament, preventive measures must pursue two objectives: first, to limit and control availability and access to small arms (supply side) and secondly, to reduce the demand for such weapons (demand side). On the supply side such an approach necessitates*

*measures aimed at effectively regulating legal transfers between states based on a principle of responsible restraint, controlling the availability, use and storage of small arms within states, preventing and combating illicit transfers, collecting and removing surplus arms from both civil society and regions of conflict, increasing transparency and accountability, support for research and information sharing.*

*5.14 On the demand side, the international community must commit to helping reverse cultures of violence through support for the reform of the security sector (both police and military) in affected states as fundamental to good governance, through the promotion of norms of civilian non-possession and of government restraint, by enhancing demobilization and reintegration programs for ex-combatants, by halting the abhorrent use of child fighters and by effectively combating the culture of impunity that fuels the illicit arms trade.*

## 6 Conclusion

*6.1 In general, the approaches to small arms nonproliferation to date fail to recognize the important functional interaction between the licit and the illicit trade as well as small arms control and nonproliferation. Small arms control as a necessary precondition to resolving the proliferation question, however, is predicated on progress in advancing restraint on the part of supplier States. What is required on the part of member States is constructive engagement on the broad spectrum of national security considerations, particularly to the extent that they pertain to alleviating growing anxieties over resurgent nationalism, legal, technical, economic and environmental questions. With the economic cost of small arms violence to the international community increasing, reassessment of priorities among foreign policy objectives on grounds of political, economic and security interests must form the basis of a multilateral consensus on the goal orientation and pursuit of small arms control. This pursuit will be an expression of a new collective will to harmonize global security. Careful long-term strategic thinking will force member States to forge a more mature relationship in the pursuit of building a consensus on the price all countries are willing to pay for (non)proliferation. Although the quest for a global resolution to the nonproliferation issue must not stand in the way of regional agreements, where attainable, the interdependence between nonproliferation and disarmament mandates a cooperative regulatory approach at the global level.*

*6.2 EPG's overall objective is to assist in efforts to curtail the supply of illicit small arms by making cross-border arms transfers subject to arms control, export and transparency regimes. Small arms transfer policies should be designed to support transfers that do not destabilize or threaten regional peace and security. With production monitored and limited and exports restricted and tighter controlled a reduced supply should restrict access and decrease overall circulation.*

*6.3 The EPG compromise cooperative regulatory approach advances a constructive parallelism between both crime control and arms control. From a bargaining point of view, this approach should lend itself to tangible results within a reasonable time frame. The compromise approach, built around a universal, comprehensive and non-discriminatory Small Arms Control Regime centering on transparency and accountability, should be seen as a minimalist position concomitant to the integrated-proportional approach. What separates the compromise cooperative regulatory approach from the integrated-proportional approach is a primary focus on supply-centered prevention. The call for a global weapons buy-back*

*program, on the other hand, transcends the scope of "Security First," as it is currently advanced.*

6.4 *Highly appreciative of the UN secretary-general's personal leadership on small arms nonproliferation, EPG views its efforts as complementary to and supportive of the secretary-general's courageous efforts in moving the issue through the thicket of diplomatic entanglements. Towards that end, EPG will continue to assist and advise on how best to move the issue forward. The utility of EPG to the global small arms effort lies in bringing media attention and profile to the carnage of small arms violence, particularly in capitals. For the uniqueness of EPG lies in its ability to be highly visible at both non-governmental and inter-governmental levels of small arms action.*

6.5 *This consultative document has laid out the basic framework of a broad-based, cooperative regulatory approach which unifies, coordinates, and organizes small arms control efforts around a Small Arms Control Regime based on a tripartite of elements: (1) transparency regime; (2) export controls; and (3) an international code of conduct. Once established it could also contribute substantially to post-conflict stabilization and confidence building, and efforts at demobilization, decommissioning, and reintegration.*

Disclaimer

The Consultative Document is illustrative only and, unlike the Washington Communique, should not be considered binding on any individual member of the Eminent Persons Group. The document was discussed at the Washington convocation of EPG, May 2-4, 2000, and is put forward to Member States and NGOs in the hope that it engender comment and suggestions, which EPG will consider at their next meeting in Bamako, Mali, December 18-19.

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